<center>**REMARKS**</center>

SUMMARY

Reconsideration of the application is respectfully requested. Claims 1-12 were rejected in the above-identified Office Action and remain pending. No amendments have been made.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In the above captioned office action, Examiner has rejected claims 1-12 under 35 U.S.C. §102(e) as being unpatentable over US Pat No. 6,415,164 B1 issued to Blanchard et al ("Blanchard"). It is well settled that for a rejection under §102(e) to be upheld, the prior art must disclose each and every element of the claimed invention.

A. Claims 1-4 and 8-10

Claim 1 claims a mobile communication device comprising:

> a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity;
> a navigation button; and
> a menu driver to facilitate a user to navigate directly from one activity to another, in response to user inputs provided through the navigation button, including **saving a first state of a first activity from which the user is navigating from, to enable subsequent re-entry into the first activity at the first state,** and entering a second state of a second activity to which the user is navigating to, the second state being the state in which the user last left the second activity.

Examiner cites Blanchard Figure 3 and column, lines 7-28 for the proposition that the mobile device of Blanchard discloses the menu driver of the mobile device of claim 1.

Blanchard discloses a mobile device with a menu-driven display including mulitple high-level menus ("headers") that can be selected using a series of right and left keys. Additionally, each high-level menu has multiple "selectable features" with empty ovals placed next to them to indicate that they are selectable. Using a pair of up and down keys on a keypad, a user may cause the ovals to darken indicating that the user may select the feauture with a darkened oval by pressing the select key. For example, Home parent display

screen 210 contains two selectable menu items "Last Number" and "View Own Number." (See Figure 3.) In Display screen 210, the oval next to "Last Number" is darkened indicating that pressing the select key will cause the display sceen to show the last number dialed. If a user presses the down key, display screen 211 is shown with the "View Own Number" oval is darkened. Additionally, from either display screen 211 or 210, the user may press the right arrow key to enter display screen 320 from which any of display screens 321-324 may be displayed using the up and down keys.

Examiner reads the five "headers" of Blanchard (Home, Phone Book, Mailbox, Security, and Tools) shown in the top row of Figure 3 as being "activities" and each of the display screens associated with selectable features as "states" of those activities. Under this reading of Blanchard, displays 330, 331, and 323 would be states of activity "Mailbox". Examiner appears to read Blanchard to say that when a user exits from, for example, the Mailbox ("activity") while in display screen ("state") 331 by pressing the right arrow key, the mobile device will remember that the last time the user was in Mailbox, the user had last accessed display screen ("state") 331. Thus, according to Examiner, if the user (who will now be in "Security") presses the left key, he will be placed into display 331 of "Mailbox" rather than the parent screen 330.[1]

However, Applicants respectfully submit that such is not explicitly or inherently disclosed by Blanchard. The cited text of Blanchard discloses only that a user may move right and left between the five *parent screens* of the mobile phone (e.g. screens 210, 320, 330, 340, and 350) and up and down between the various selectable features of each of the five headers (e.g. Home, Phone Book, Mailbox, Security, and Tools). This seems to indicate that a user pressing the right or left key will always move *to a parent screen*, and never return to a previously accessed lower screen. At most, the text is silent as to whether the Blanchard phone remembers the previously accessed display screen in the previously accessed header type. Furthermore, Figure 3 of Blanchard also fails to show that the previously accessed display screen is memorized by the phone (it shows that a user may

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[1] Specifically, Examiner states:
> "[F]or example, the user moves from the first activity of a first state to another activity, whereas if the user wants to come back from the another activity to the first activity, the first activity, previously accessed, will show the state having a darkened elliptical that the user accessed at the first activity previously..."

navigate from a lower screen to a parent screen, but not from a parent screen back to a lower screen). Thus, saving a first state of a first activity from which the user is navigating from is not explicitly disclosed in Blanchard.

Additionally, such is not inherently disclosed by Blanchard. The previously accessed selectable feature need not be memorized in order for the device in Blanchard to work. Specifically, when a user at screen 331 presses the right key displaying screen 340, and subsequently presses the left key, it is entirely possible (in fact, likely) that the device displays screen 330 – the parent screen associated with header "Mailbox" – rather than screen 331. The mere possibility that it is possible for the device in Blanchard to operate without memorizing the previously accessed selectable feature is sufficient show lack of inherency of the claimed element.

Therefore, Applicants respectfully submit that Blanchard fails to disclose, either explicitly or inherently, all elements of claim 1 as required to sustain a §102 rejection for lack of novelty. Thus, claim 1 is patentable over Blanchard.

Furthermore, applicants submit that it would not have been obvious to one of ordinary skill in the art under 35 U.S.C. §103(a) to modify the device of Blanchard to achieve the device of claim 1. The purpose of Blanchard is to present a mobile phone display that optimizes the use of display space. (See Blanchard column 1, lines 52-62.) It would not have been useful to include memorizing the previous display state in order to optimize the use of space within the display. Thus, there could have been no suggestion to modify the device of Blanchard to achieve claim 1.

Claims 2-4 depend from claim 1 incorporating its limitations. Thus, for at least the reasons stated above, claims 2-4 are also patentable over Blanchard.

Independent method claim 8 contains in substance the same limitations as claim 1. Further, claims 9-10 depend from claim 8 incorporating its limitations. Thus, for at least the reasons stated above, claims 8-10 are also patentable over Blanchard.

B. Claims 5-7 and 11-12

Claim 5 claims a mobile communication device comprising:

a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity;

a navigation button; and

a menu driver to facilitate a user to navigate among selectable sub-activities of an expandable sub-activity of one activity, including **presenting the selectable sub-activities as a scrollable list nested in a presentation of the activity**, the scrollable list replacing the expandable sub-activity and displaying only one of the selectable sub-activities at a time.

Thus, claim 5 requires that the mobile device have a menu driver capable of displaying at least *three levels on a single screen*: (1) an activity (2) expandable sub-activities, and (3) selectable sub-activities of the expandable sub-activities. Applicants submit, however, that Blanchard displays only *two levels on a single screen*.

Blanchard discloses five headers which Examiner reads as "activities" (e.g. Home, Phone Book, Mailbox, Security, Tools) each with a series of selectable features which Examiner reads as "sub-activities" (e.g. "Txt Msg" and "Voice Msg" of activity "Mailbox"). Even assuming, *arguendo*, that some of these sub-activities are expandable and contain another level of selectable sub-activities, nowhere does Blanchard disclose that any such selectable sub-activities of expandable sub-activities are presented as scrollable lists nested within a presentation of the activity. In fact, Blanchard in column 5, line 66 through column 6, line 4 discloses that when a user at screen 331 presses the select key, they are taken to a *different screen 401* (where presumably they may view their text messages). That is, Blanchard only displays two menu levels on a single screen, not three.

In order for Blanchard to read on claim 5, further text message options (such as, hypothetically, "Compose" to use the "Txt Msg" example) would have to be visible as part of a scrollable list *within display 331*. Nothing like this is disclosed in Blanchard. Thus, any such selectable sub-activities of expandable sub-activities are not disclosed as being presented as scrollable lists nested in the presentation of an activity as required by claim 5.

Therefore, for at least these reasons, Applicants submit that Blanchard fails to disclose each and every element of claim 5 as required by §102 to sustain a novelty rejection. Thus, claim 5 is patentable over Blanchard.

Claims 6-7 depend from claim 5, incorporating its limitations. Thus, for at least these reasons, claims 6-7 are also patentable over Blanchard.

Independent claim 11 contains in substance the same limitations as claim 5; also claim 12 depends from claim 11 incorporating its limitations. Thus, for at least the reasons discussed above, claims 11-12 are also patentable over Blanchard.

CONCLUSION

In view of the foregoing, Applicants submit that claims 1-12 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1542; if any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
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